

**DECLARATION AND POWER OF ATTORNEY**  
**(Attorney Docket No. SNA-002-US)**

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**EAR PROBE AND DISPOSABLE EAR TIP SYSTEM**

the specification of which (check only one):

is attached hereto.

was filed as United States Patent Application  
 Serial No. \_\_\_\_\_  
 on \_\_\_\_\_  
 and was amended  
 on \_\_\_\_\_  
 (if applicable)

was filed as PCT Patent Application  
 Serial No. \_\_\_\_\_  
 on \_\_\_\_\_  
 and was amended under PCT Article 19  
 on \_\_\_\_\_  
 (if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of the claims of this application in accordance with Title 37, Code of Federal Regulations, Sections 1.56(a) and 1.56(b).

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate or of any PCT international application (s) designating at least one country other than the United States of America listed below and have also identified below any foreign application (s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

SNA-002-US  
 431215.1

Page 1 of 3

Best Available Copy

PRIOR FOREIGN/PCT APPLICATION(S) AND ANY PRIORITY CLAIMS  
UNDER 35 U.S.C. §119(e)-(d) or 365(b):

COUNTRY (if PCT indicate PCT)	APPLICATION NUMBER	DATE OF FILING	PRIORITY CLAIMED UNDER 35 U.S.C. §119(e)-(d) or 365(b) (YES/NO)
----------------------------------	--------------------	----------------	---

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional patent application(s) listed below:

APPLICATION NUMBER 60/473,297	DATE OF FILING May 23, 2003	STATUS: (PENDING OR EXPIRED) Expired
----------------------------------	--------------------------------	--

I hereby claim the benefit under Title 35, United States Code, § 120 or 365(c) of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112. I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56 which occurred between the filing date of the prior applications and the national or PCT international filing date of this application:

PRIOR U.S. APPLICATION OR PCT INTERNATIONAL APPLICATION(S)  
DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. § 120 OR 365(c):

APPLICATION NUMBER PCT/US2004/016200	DATE OF FILING May 21, 2004	STATUS: (PATENTED, PENDING OR EXPIRED) Pending
---	--------------------------------	--

**POWER OF ATTORNEY:** As named inventor, I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith

David Jacobs

Reg. No. 31,770

the mailing address and telephone number of each of whom is GESMER UPDEGROVE LLP, 40 Broad Street, Boston, Massachusetts 02109 and (617) 350-6800, with full power of substitution and revocation to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Send Correspondence To

David Jacobs  
GESMER UPDEGROVE LLP  
40 Broad Street  
Boston, MA 02109

Direct Telephone Calls To

David Jacobs  
(617) 350-6800

Wherefore I petition that letters patent be granted to me for the invention or discovery described and claimed in the attached specification and claims, and hereby subscribe my name to said specification and claims and to the foregoing declaration, power of attorney, and this petition.

SNA-002-US  
431215.1

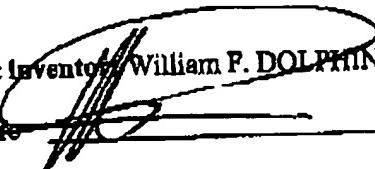
Page 2 of 3

Best Available Copy

Best Available Copy

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: William F. DOLPHIN

Inventor's signature 

Date: 26 Oct 2005

Country of Citizenship: US

Residence and Post Office Address: 53 Bindwood Pde

Dalkeith, Western Australia, 2009 AUSTRALIA

Full name of second inventor: Andrew QUICK

Inventor's signature \_\_\_\_\_

Date: \_\_\_\_\_

Country of Citizenship: US

Residence and Post Office Address: 45 Country Village Lane

Sudbury, MA 01776 UNITED STATES

SNA-002-US  
431219.1

Page 3 of 3

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**Full name of first inventor:** William F. DOLPHIN

Inventor's signature \_\_\_\_\_ Date: \_\_\_\_\_

Country of Citizenship: US

Residence and Post Office Address: 53 Birdwood Pde

Dalkeith, Western Australia, 2009 AUSTRALIA

**Full name of second inventor:** Andrew QUICK

Inventor's signature Andrew Quick Date: 4 October 2005

Country of Citizenship: US

Residence and Post Office Address: 45 Country Village Lane

Sudbury, MA 01776 UNITED STATES

Best Available Copy

SNA-002-US  
431215.1

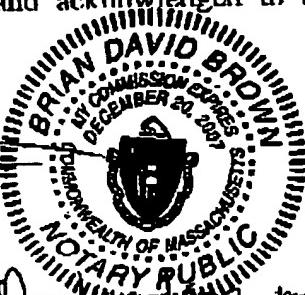
Page 3 of 3

Commonwealth of Massachusetts

Norfolk, ss:

On this 11 day of October, 2005, before me, the undersigned notary public, personally appeared Andrew Quirk, proved to me through satisfactory evidence of identification, which was Massachusetts Drivers License, to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that (s)he signed it voluntarily for its stated purpose.

  
Brian David Brown  
My Commission Expires: 12/20/2007



Affixed to Power of Attorney and